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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,832	12/17/2001	Atsushi Takahashi	1031.1017	1197

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EXAMINER


GIBSON, RANDY W

ART UNIT PAPER NUMBER

2841

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/009,832	Applicant(s) TAKAHASHI, ATSUSHI	
	Examiner Randy W. Gibson	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 6-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-5 in the letter filed December 2, 2003 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by MacFarlane (US # 4,463,816). MacFarlane discloses the claimed invention including a weighing conveyor with a load detector (14,16,18), a housing (86, 96) for accommodating the load detector, and a support member (12) attached to the load detector such that the support member protrudes outwardly from the bottom of the housing (Col. 3, lines 26-63).
4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Cadou et al (US # 5,747,747). Cadou et al discloses the claimed invention including a weighing conveyor with a load detector (56), a housing (52) for accommodating the load detector, and a support member (40) attached to the load detector such that the support

member protrudes outwardly from the bottom of the housing (Col. 6, line 8 to col. 7, line 15).

5. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Del Rosso (US # 4,570,729). Del Rosso discloses the claimed invention including a weighing conveyor with a load detector (80, 180), a housing (40, 140) for accommodating the load detector, a support member (48, 148) attached to the load detector such that the support member protrudes outwardly from the bottom of the housing (Col. 4, lines 39-65; Col. 5, line 49 to col. 6, line 33), and a drive source (52, 152) & transmission mechanism (58, 158). Figures 5 & 9 shows that the drive mechanism is located somewhat within, and protected by, parts of the housing.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacFarlane (US # 4,463,816) in view of Marlow et al (US # 5,563,384) and Blubaugh (US # 3,561,553). MacFarlane et al discloses the claimed invention except for the inclined upper surface on the top of the load cell housing. However, it would have been

common sense to place an inclined roof on the load cell housings in order to shed debris falling from the conveyor since practically anyone who has ever seen the inclined roof of a house, dog house, bird house, or other building knows that an inclined roof will do exactly that since that is what the inclined exterior roof is designed to do. See *MPEP* § 2144.03. Furthermore, the examples of Lockery et al (Col. 4, lines 18-21) and Marlow et al (Col. 4, line 54 to col. 5, line 2) show that the use of inclined surfaces to deflect falling debris is known in the weighing art. it would have been obvious to the ordinary practioner to place an inclined roof over the load cells of MacFarlane et al to deflect debris inadvertently falling from the conveyor onto the load cell.

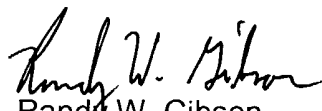
8. Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindstrom (US # 4,566,584) in view of Marlow et al (US # 5,563,384) and Lockery et al (US # 4,411,327). Lindstrom discloses the claimed invention (see Abstract) except for the housing. However, it is known to place a protective cover over a machine to protect the apparatus from dust & moisture and to protect the workers who might accidentally bump against it and become snagged on a moving part as suggested by the examples of Blubaugh (Col. 2, lines 18-26) and Lockery et al (Col. 4, lines 18-21). It would have been obvious to the ordinary practioner to attach a protective housing in the form of a removable shell to the upper part of the device shown in Lindstrom to protect the motor (45), transmission (46), and load cell (18) from damage.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (703) 308-1765. The examiner can normally be reached on Mon-Fri., 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on (703) 308-3121. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-5115.


Randy W. Gibson
Primary Examiner
Art Unit 2841